PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 712) TO IMPOSE CERTAIN LIMITATIONS ON CONSENT DECREES AND SETTLEMENT AGREEMENTS BY AGENCIES THAT REQUIRE THE AGENCIES TO TAKE REGULATORY ACTION IN ACCORDANCE WITH THE TERMS THEREOF, AND FOR OTHER PURPOSES, AND PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 1155) TO PROVIDE FOR THE ESTABLISHMENT OF A PROCESS FOR THE REVIEW OF RULES AND SETS OF RULES, AND FOR OTHER PURPOSES

January 5, 2016.—Referred to the House Calendar and ordered to be printed.

MR. COLLINS (GA), from the Committee on Rules, submitted the following

#### REPORT

[To accompany H. Res.\_\_]

The Committee on Rules, having had under consideration House Resolution\_\_\_\_, by a record vote of 8 to 4, report the same to the House with the recommendation that the resolution be adopted.

#### SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 712, the Sunshine for Regulatory Decrees and Settlements Act of 2015, under a structured rule. The resolution provides one hour of general debate with 40 minutes equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary and 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Oversight and Government Reform. The resolution waives all points of order against consideration of the bill. The resolution makes in order as original text for the purpose of amendment an amendment in the nature of a substitute consisting of the text of Rules Committee Print 114-37 and provides that it shall be considered as read. The resolution waives all points of order against that amendment in the nature of a substitute. The resolution makes in order only those further amendments printed in part A of this report. Each such amendment may be offered only in the order printed in this report, may

be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The resolution waives all points of order against the amendments printed in part A of this report. The resolution provides one motion to recommit with or without instructions.

Section 2 of the resolution provides for consideration of H.R. 1155, the SCRUB Act of 2015, under a structured rule. The resolution provides one hour of general debate equally divided among and controlled by the chairs and ranking minority members of the Committee on the Judiciary and the Committee on Oversight and Government Reform. The resolution waives all points of order against consideration of the bill. The resolution provides that the bill shall be considered as read. The resolution waives all points of order against provisions in the bill. The resolution makes in order only those amendments printed in part B of this report. amendment may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The resolution waives all points of order against the amendments printed in part B of this report. The resolution provides one motion to recommit with or without instructions.

#### EXPLANATION OF WAIVERS

Although the resolution waives all points of order against consideration of H.R. 712, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

The waiver of all points of order against the amendment in the nature of a substitute to H.R. 712 made in order as original text includes a waiver of clause 7 of rule XVI, which requires that no motion or proposition on a subject different from that under consideration shall be admitted under color of amendment. However, it is important to note that Rules Committee Print 114-37 contains the texts of H.R. 712 and H.R. 690 as reported by the Committee on the Judiciary, and H.R. 1759 as reported by the Committees on Oversight and Government Reform and the Judiciary; with conforming changes.

Although the resolution waives all points of order against the amendments to H.R. 712 printed in part A of this report, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against consideration of H.R. 1155, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against provisions in H.R. 1155, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against the amendments to H.R. 1155 printed in part B of this report, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

#### COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee Record Vote No. 134 Motion by Ms. Slaughter to report open rules for H.R. 712 and H.R. 1155. Defeated: 4-8

| Majority Members          | Vote | Minority Members        | Vote |
|---------------------------|------|-------------------------|------|
| Ms. Foxx                  | Nay  | Ms. Slaughter           | Yea  |
| Mr. Cole                  |      | Mr. McGovern            | Yea  |
| Mr. Woodall               | Nay  | Mr. Hastings of Florida | Yea  |
| Mr. Burgess               | Nay  | Mr. Polis               | Yea  |
| Mr. Stivers               | Nay  |                         |      |
| Mr. Collins               | Nay  |                         |      |
| Mr. Byrne                 | Nay  |                         |      |
| Mr. Newhouse              | Nay  |                         |      |
| Mr. Sessions,<br>Chairman | Nay  |                         |      |

Rules Committee Record Vote No. 135

Motion by Ms. Foxx to report the rule. Adopted: 8-4

| Majority Members          | Vote | Minority Members        | Vote |
|---------------------------|------|-------------------------|------|
| Ms. Foxx                  | Yea  | Ms. Slaughter           | Nay  |
| Mr. Cole                  |      | Mr. McGovern            | Nay  |
| Mr. Woodall               | Yea  | Mr. Hastings of Florida | Nay  |
| Mr. Burgess               | Yea  | Mr. Polis               | Nay  |
| Mr. Stivers               | Yea  |                         |      |
| Mr. Collins               | Yea  |                         |      |
| Mr. Byrne                 | Yea  |                         |      |
| Mr. Newhouse              | Yea  |                         |      |
| Mr. Sessions,<br>Chairman | Yea  |                         |      |

## SUMMARY OF THE AMENDMENTS TO H.R. 712 IN PART A MADE IN ORDER

- 1. Goodlatte (VA), Chaffetz (UT): MANAGER'S Includes a small number of revisions in the nature of technical and conforming changes to clarify provisions that state deadlines, reformat section nomenclature and headings, and improve typography or grammar. (10 minutes)
- 2. Johnson, Hank (GA): Inserts an exception for any rule, consent decree, or settlement agreement that the Director of the Office of Management and Budget determines would result in net job creation and whose benefits exceeds its costs. (10 minutes)
- 3. Cummings (MD), Connolly (VA): Strikes section 653 as created by Title II of the bill (Requirement for Rules to Appear in Agency-Specific Monthly Publications). (10 minutes)
- 4. Lynch (MA): Amends Title II of H.R. 712 by requiring federal agencies to provide an estimate of the benefits of proposed regulations. Would also require the Office of Information and Regulatory Affairs to include the total benefits of proposed and final agency rules in the annual cumulative assessment of agency rule making required by the bill. (10 minutes)
- 5. Foxx (NC), Messer, Luke (IN): Requires monthly reporting of unfunded mandates by agencies to OIRA; requires reporting of unfunded mandates imposed in OIRA's annual cumulative assessment of agency rule making. (10 minutes)
- 6. Jackson Lee (TX): Clarifies that the exception to the rule should take effect in the event that there is a threat to health or safety or other emergency and not only when such threat is imminent. (10 minutes)
- 7. Cummings (MD), Connolly (VA): Exempts independent establishments from the requirements of Title II of the bill. (10 minutes)

## SUMMARY OF THE AMENDMENTS TO H.R. 1155 IN PART B MADE IN ORDER

- 1. Foxx (NC), Messer, Luke (IN): Adds consideration of unfunded mandates to the Commission's review of rules. (10 minutes)
- 2. Schweikert (AZ): Adds a new subsection (I) under 101(h)(2) requiring the commission to consider rules that are limiting or prohibiting government agencies from adopting technology to improve efficiency and effectiveness. (10 minutes)
- 3. Walberg (MI): Directs the Commission to highlight the role regulations have on wage stagnation and income inequality by examining the negative impact of regulations on wages, including wages for minimum wage and part-time workers.

  (10 minutes)
- 4. Johnson, Hank (GA): Strikes title II of the bill, eliminating the legislation's regulatory "cut-go" process, which requires that agencies eliminate rules identified by the Regulatory Retrospective Review Commission prior to issuing a new rule. (10 minutes)
- 5. Cummings (MD), Connolly (VA): Strikes Title IV of the bill (Judicial Review). (10 minutes)
- 6. Cummings (MD), Connolly (VA): Exempts independent establishments from the requirements of the bill. (10 minutes)
- 7. Cicilline (RI): Exempts rules made by the Secretary of Veterans Affairs from the additional provisions of the legislation. (10 minutes)
- 8. DelBene (WA): Creates an exemption from regulatory "cut-go" requirements in the case of an emergency. (10 minutes)
- 9. Jackson Lee (TX): Provides that the term "rule" has the meaning given in section 551 of title 5, United States Code, except for a special rule as made by the Secretary of Homeland Security. (10 minutes)
- 10. Pocan (WI): Exempts from the bill rules put forth by the FDA for the purposes of consumer safety. (10 minutes)
- 11. Murphy, Patrick (FL), Carney (DE), Peters, Scott (CA): SUBSTITUTE Establishes an independent advisory committee to review certain regulations, and for other purposes. (10 minutes)

### PART A—TEXT OF AMENDMENTS TO H.R 712 MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GOODLATTE OF VIRGINIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE JOHNSON OF GEORGIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CUMMINGS OF MARYLAND OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LYNCH OF MASSACHUSETTS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE FOXX OF NORTH CAROLINA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE JACKSON LEE OF TEXAS OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CUMMINGS OF MARYLAND OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

### PART B—TEXT OF AMENDMENTS TO H.R. 1155 MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE FOXX OF NORTH CAROLINA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SCHWEIKERT OF ARIZONA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE WALBERG OF MICHIGAN OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE JOHNSON OF GEORGIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CUMMINGS OF MARYLAND OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CUMMINGS OF MARYLAND OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CICILLINE OF RHODE ISLAND OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

8. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DELBENE OF WASHINGTON OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

9. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE JACKSON LEE OF TEXAS OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

10. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE POCAN OF WISCONSIN OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

11. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MURPHY OF FLORIDA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

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- Goodlatte (VA), Chaffetz (UT): MANAGER'S Includes a small number of revisions in the nature of technical and conforming changes to clarify provisions that state deadlines, reformat section nomenclature and headings, and improve typography or grammar. (10 minutes)
  - Johnson, Hank (GA): Inserts an exception for any rule, consent decree, or settlement agreement that the Director of the Office of Management and Budget determines would result in net job creation and whose benefits exceeds its costs. (10 minutes)
  - Cummings (MD), Connolly (VA): Strikes section 653 as created by Title II of the bill (Requirement for Rules to Appear in Agency-Specific Monthly Publications). (10 minutes)
  - 4. Lynch (MA): Amends Title II of H.R. 712 by requiring federal agencies to provide an estimate of the benefits of proposed regulations. Would also require the Office of Information and Regulatory Affairs to include the total benefits of proposed and final agency rules in the annual cumulative assessment of agency rule making required by the bill. (10 minutes)
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    effect in the event that there is a threat to health or safety or other
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## SUMMARY OF THE AMENDMENTS TO H.R. 1155 IN PART B MADE IN ORDER

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- Jackson Lee (TX): Provides that the term "rule" has the meaning given in section 551 of title 5, United States Code, except for a special rule as made by the Secretary of Homeland Security. (10 minutes)
- 10. Pocan (WI): Exempts from the bill rules put forth by the FDA for the purposes of consumer safety. (10 minutes)
- 11. Murphy, Patrick (FL), Carney (DE), Peters, Scott (CA): SUBSTITUTE Establishes an independent advisory committee to review certain regulations, and for other purposes. (10 minutes)

### PART A—TEXT OF AMENDMENTS TO H.R 712 MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GOODLATTE OF VIRGINIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

## AMENDMENT TO RULES COMMITTEE PRINT 114-37

#### OFFERED BY MR. GOODLATTE OF VIRGINIA

Page 16, line 5, strike the comma after "chapter 6".

Page 16, after line 10, strike the table of sections for chapter 6A of title 5, United States Code, as inserted by section 202(a) of the bill, and insert the following:

Page 16, line 11, strike "SEC. 651. AGENCY MONTHLY SUBMISSION TO OFFICE OF INFORMATION AND REGULATORY AFFAIRS." and insert "§ 651. Agency monthly submission to Office of Information and Regulatory Affairs".

Page 16, line 19, strike "following year" and insert "12-month period following the month covered by the monthly submission".

Page 17, line 19, strike "for which" and insert "that".

<sup>&</sup>quot;651. Agency monthly submission to Office of Information and Regulatory Affairs.

<sup>&</sup>quot;652. Office of Information and Regulatory Affairs publications.

<sup>&</sup>quot;653. Requirement for rules to appear in agency-specific monthly publication.

<sup>&</sup>quot;654. Definitions.

Page 17, line 20, strike "the following year and has issued" and insert "the 12-month period following the month covered by the monthly submission and for which the agency has issued".

Page 18, line 17, strike "rule. If such estimate is not" and insert "rule, or, if no such estimate is".

Page 18, line 22, strike "SEC. 652. OFFICE OF IN-FORMATION AND REGULATORY AFFAIRS PUBLICA-TIONS." and insert "§ 652. Office of Information and Regulatory Affairs publications".

Page 19, line 8, insert after a comma "shall publish".

Page 19, line 9, strike "for the previous year the following:" and insert the following: "the following, with respect to the previous year:".

Page 22, line 1, strike "SEC. 653. REQUIREMENT FOR RULES TO APPEAR IN AGENCY-SPECIFIC MONTHLY PUBLICATION." and insert "§ 653. Requirement for rules to appear in agency-specific monthly publication".

Page 22, line 21, strike "SEC. 654. DEFINITIONS." and insert "§ 654. Definitions".

Page 23, line 2, strike the comma after "chapter 5".



2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE JOHNSON OF GEORGIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

### AMENDMENT TO RULES COMMUTTEE PRINT 114-

37

### OFFERED BY MR. JOHNSON (GA-04)

In the table of contents of the bill, insert after item pertaining to section 302 the following:

#### TITLE IV—GENERAL EXEMPTION FOR CERTAIN RULES

Sec. 401. Exemption of certain rules, and consent decrees or settlement agreements, from the provisions of this Act.

Add, at the end of the bill, the following:

# 1 TITLE IV—GENERAL EXEMPTION

## 2 FOR CERTAIN RULES

- SEC. 401. EXEMPTION OF CERTAIN RULES, AND CONSENT
- 4 DECREES OR SETTLEMENT AGREEMENTS,
- 5 FROM THE PROVISIONS OF THIS ACT.
- 6 Notwithstanding any other provision of law, the pro-
- 7 visions of this Act and the amendments made by this Act
- 8 shall not apply in the case of a rule that the Director of
- 9 the Office of Management and Budget determines would
- 10 result in net job creation and whose benefits exceeds its
- 11 cost, or a consent decree or settlement agreement per-
- 12 taining to such a rule. In the case of such a rule, consent
- 13 decree, or settlement agreement, the provisions of law

- 1 amended by this Act shall apply as though such amend-
- 2 ments had not been made.



3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CUMMINGS OF MARYLAND OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

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#### AMENDMENT TO RULES COMMITTEE PRINT 114-

37

### OFFERED BY Mr. Cummings

Page 16, strike the table of sections for chapter 6A of title 5, United States Code, as inserted by section 202(a) of the bill, and insert the following:

Page 22, strike line 1, and all that follows through line 20. amend the table of contents accordingly.

Page 22, line 21, strike "SEC. 654. DEFINITIONS" and insert "§ 653. Definitions".

Page 24, strike line 8 and all that follows through line 12.



<sup>&</sup>quot;651. Agency monthly submission to Office of Information and Regulatory Affairs.

<sup>&</sup>quot;652. Office of Information and Regulatory Affairs publications.

<sup>&</sup>quot;653. Definitions.

4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LYNCH OF MASSACHUSETTS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

### AMENDMENT TO ROLES COMMITTEE PRINT 114-

#### OFFERED BY MR. LYNCH OF MASSACHUSETTS

Page 18, line 12, strike "and".

Page 18, line 21, strike the period and insert "; and".

Page 18, after line 21, insert the following:

1 "(D) any estimate of the benefits of the rule.

Page 20, after line 21, insert the following:

3 "(E) The total benefits of all rules pro-4 posed or finalized, and the number of rules for 5 which an estimate of the benefits of the rule 6 was not available.



5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE FOXX OF NORTH CAROLINA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES



### AMENDMENT TO H.R. 712 OFFERED BY Ms. FOXX OF NORTH CAROLINA

Page 18, line 14, insert after "including" the following: "the imposition of unfunded mandates and".

Page 20, line 19, insert after "or finalized," the following: "the total cost of any unfunded mandates imposed by all such rules,".

Page 22, line 24, insert after "section 551" the following: ", and the term 'unfunded mandate' has the meaning given the term 'Federal mandate' in section 421(6) of the Congressional Budget Act of 1974 (2 U.S.C. 658(6)).".



6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE JACKSON LEE OF TEXAS OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

### AMENDMENT TO RULES COMMITTEE PRINT 114-37

#### OFFERED BY Ms. JACKSON LEE OF TEXAS

Page 22, line 14, strike "an imminent" and insert "a".



7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CUMMINGS OF MARYLAND OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

#### AMENDMENT TO RULES COMMITTEE PRINT 114-37

#### OFFERED BY MR. CUMMINGS OF MARYLAND

Page 22, line 24, insert before the period the following: ", except that the term 'agency' does not include an independent establishment as defined in section 104".



#### PART B-TEXT OF AMENDMENTS TO H.R. 1155 MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE FOXX OF NORTH CAROLINA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

### AMENDMENT TO H.R. 1155 OFFERED BY Ms. FOXX OF NORTH CAROLINA

Page 10, line 13, insert after "paperwork burdens" the following "or unfunded mandates".

Page 11, line 12, insert after "enforcement" the following: ", imposition of unfunded mandates,".

Page 12, line 9, insert after "excessive compliance costs" the following: ", imposes unfunded mandates,".

Page 25, insert after line 4 the following:

- 1 (n) Definition.—In this section, the term "un-
- 2 funded mandate" has the meaning given the term "Fed-
- 3 eral mandate" in section 421(6) of the Congressional
- 4 Budget Act of 1974 (2 U.S.C. 658(6)).



2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SCHWEIKERT OF ARIZONA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES



### AMENDMENT TO H.R. 1155 OFFERED BY MR. SCHWEIKERT OF ARIZONA

Page 13, insert after line 12 the following:

1 (I) Whether or not the rule or set of rules
2 limits or prevents an agency from applying new
3 or emerging technologies to improve efficiency
4 and effectiveness of government.

Page 13, line 13, strike "(I)" and insert "(J)".

Page 17, line 24, strike "(G), or (H)" and insert "(G), (H), or (I)".



3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE WALBERG OF MICHIGAN OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

#### AMENDMENT TO H.R. 1155

#### OFFERED BY MR. WALBERG OF MICHIGAN

Page 13, insert after line 12 the following:

- 1 (I) Whether the rule or set of rules harms
- 2 wage growth, including wage growth for min-
- 3 imum wage and part-time workers.

Page 13, line 13, strike "(I)" and insert "(J)".



4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE JOHNSON OF GEORGIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

## AMENDMENT TO H.R. 1155 OFFERED BY M.R. JOHNSON (GA-04)

Beginning on page 25, strike line 5, and all that follows through page 27, line 13.



5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CUMMINGS OF MARYLAND OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES ALL CACCOMMINACO

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## AMENDMENT TO H.R. 1155, AS REPORTED OFFERED BY MR. CUMMINGS OF MARYLAND

Strike title IV.



6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CUMMINGS OF MARYLAND OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

# AMENDMENT TO H.R. 1155, AS REPORTED OFFERED BY MR. CUMMINGS OF MARYLAND

Page 28, line 22, insert before the period the following: ", except that the term does not include an independent establishment as defined in section 104 of such title".



7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CICILLINE OF RHODE ISLAND OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

### AMENDMENT TO H.R. 1155 OFFERED BY Ma. CICILINE

Page 29, line 21, insert after "Code" the following: ", except for a special rule".

Page 29, insert after line 24 the following:

- 1 (6) Special rule.—The term "special rule"
- 2 means a rule made by the Secretary of Veterans Af-
- 3 fairs.



8. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DELBENE OF WASHINGTON OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES



## AMENDMENT TO H.R. 1155 OFFERED BY M.S. DELBENE

Page 29, line 21, insert after "Code" the following: ", except for a special rule".

Page 29, insert after line 24 the following:

- 1 (6) Special rule.—The term "special rule"
- 2 means a rule made by an agency in response to an
- 3 emergency.



9. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE JACKSON LEE OF TEXAS OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES



### AMENDMENT TO H.R. 1155 OFFERED BY Ms. JACKSON LEE OF TEXAS

Page 29, line 21, insert after "Code" the following: ", except for a special rule".

Page 29, insert after line 24 the following:

- 1 (6) Special rule.—The term "special rule"
- 2 means a rule made by the Secretary of Homeland
- 3 Security.



10. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE POCAN OF WISCONSIN OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES



## AMENDMENT TO H.R. 1155 OFFERED BY MR. POCAN OF WISCONSIN

Page 29, line 21, insert after "Code" the following: ", except for a special rule".

#### Page 29, insert after line 24 the following:

| 1 | (6) Special rule.—The term "special rule"          |
|---|--|
| 2 | means a rule pertaining to consumer safety made by |
| 3 | the Commissioner of Food and Drugs, including any  |
| 4 | rule made under the FDA Food Safety Moderniza-     |
| 5 | tion Act.  |



11. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MURPHY OF FLORIDA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES



### AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 1155

#### OFFERED BY MR. MURPHY OF FLORIDA

Strike all after the enacting clause and insert the following:

| 1  | SECTION 1. SHORT TITLE.                                |
|----|--|
| 2  | This Act may be cited as the "Regulatory Improve-      |
| 3  | ment Act of 2015".                                     |
| 4  | SEC. 2. DEFINITIONS.                                   |
| 5  | In this Act—   |
| 6  | (1) the term "Commission" means the Regu-              |
| 7  | latory Improvement Commission established under        |
| 8  | section 3;   |
| 9  | (2) the term "commission bill" means a bill            |
| 10 | consisting of the proposed legislative language of the |
| 11 | Commission recommended under section 4(h)(2)(C);       |
| 12 | and  |
| 13 | (3) the term "covered regulation" means a reg-         |
| 14 | ulation that has been finalized not later than 10      |
| 15 | years before the date on which the Commission is es-   |
| 16 | tablished.   |

| 1  | SEC. 3. ESTABLISHMENT OF COMMISSION.                      |
|----|---|
| 2  | (a) ESTABLISHMENT.—There is established in the            |
| 3  | legislative branch a commission to be known as the "Regu- |
| 4  | latory Improvement Commission".                           |
| 5  | (b) MEMBERSHIP.—  |
| 6  | (1) Composition.—The Commission shall be                  |
| 7  | composed of 9 members, of whom—                           |
| 8  | (A) 1 member shall be appointed by the                    |
| 9  | President, and shall serve as the Chairperson of          |
| 10 | the Commission;   |
| 11 | (B) 2 members shall be appointed by the                   |
| 12 | majority leader of the Senate;                            |
| 13 | (C) 2 members shall be appointed by the                   |
| 14 | minority leader of the Senate;                            |
| 15 | (D) 2 members shall be appointed by the                   |
| 16 | Speaker of the House of Representatives; and              |
| 17 | (E) 2 members shall be appointed by the                   |
| 18 | minority leader of the House of Representa-               |
| 19 | tives.  |
| 20 | (2) Date.—The appointment of the members                  |
| 21 | of the Commission shall be made not later than 60         |
| 22 | days after the date of enactment of this Act.             |
| 23 | (3) Qualifications.—                                      |
| 24 | (A) CHAIR.—The Chair of the Commission                    |
| 25 | shall be an individual with expertise and experi-         |
| 26 | ence in rulemaking such as past Administra-               |

| 1  | tors of the Office of Information and Regu-                 |
|----|---|
| 2  | latory Affairs, past chairmen of the Administra-            |
| 3  | tive Conference of the United States, and other             |
| 4  | individuals with similar expertise and experi-              |
| 5  | ence in rulemaking affairs and the administra-              |
| 6  | tion of regulatory reviews.                                 |
| 7  | (B) Members.—Members appointed to the                       |
| 8  | Commission shall be prominent citizens of the               |
| 9  | United States with national recognition and a               |
| 10 | significant depth of experience and responsibil-            |
| 11 | ities in matters relating to government service,            |
| 12 | regulatory policy, economics, Federal agency                |
| 13 | management, public administration, and law.                 |
| 14 | (4) LIMITATION.—Not more than 5 members                     |
| 15 | appointed to the Commission may be from the same            |
| 16 | political party.  |
| 17 | (c) PERIOD OF APPOINTMENT; VACANCIES.—Mem-                  |
| 18 | bers shall be appointed for the life of the Commission. Any |
| 19 | vacancy in the Commission shall not affect its powers, but  |
| 20 | shall be filled in the same manner as the original appoint- |
| 21 | ment.   |
| 22 | (d) Initial Meeting.—Not later than 30 days after           |
| 23 | the date on which all members of the Commission have        |
| 24 | been appointed, the Commission shall hold its first meet-   |
| 25 | ing.  |

| 1  | (e) Meetings.—The Commission shall meet at the              |
|----|---|
| 2  | eall of the Chairman.                                       |
| 3  | (f) OPEN TO THE PUBLIC.—Each meeting of the                 |
| 4  | Commission shall be open to the public, unless a member     |
| 5  | objects.  |
| 6  | (g) QUORUM.—Five members of the Commission                  |
| 7  | shall constitute a quorum, but a lesser number of members   |
| 8  | may hold hearings.  |
| 9  | (h) Nonapplicability of the Federal Advisory                |
| 10 | COMMITTEE ACT.—The Federal Advisory Committee Act           |
| 11 | (5 U.S.C. App.) shall not apply to the Commission.          |
| 12 | SEC. 4. DUTIES OF THE COMMISSION.                           |
| 13 | (a) Purpose.—The purpose of the Commission is to            |
| 14 | evaluate and provide recommendations for modification,      |
| 15 | consolidation, or repeal of covered regulations with the    |
| 16 | aim of reducing compliance costs, all while protecting pub- |
| 17 | lie health and safety, encouraging growth and innovation,   |
| 18 | and improving competitiveness.                              |
| 19 | (b) REQUIREMENTS.—In carrying out subsection (a),           |
| 20 | the Commission shall—                                       |
| 21 | (1) give priority in its analysis of covered regu-          |
| 22 | lations to those that—                                      |
| 23 | (A) impose disproportionately high costs                    |
| 24 | on a small entity (as defined in section 601 of             |
| 25 | title 5. United States Code):                               |

| 1  | (B) impose substantial paperwork burdens;              |
|----|--|
| 2  | or   |
| 3  | (C) could be strengthened in their effec-              |
| 4  | tiveness while reducing regulatory costs;              |
| 5  | (2) solicit and review comments from the public        |
| 6  | on the covered regulations described this section;     |
| 7  | and  |
| 8  | (3) develop a set of covered regulations to mod-       |
| 9  | ify, consolidate, or repeal to be submitted to Con-    |
| 10 | gress for an up-or-down vote.                          |
| 11 | (c) Public Comments.—                                  |
| 12 | (1) In general.—Not later than 60 days after           |
| 13 | the date of the initial meeting of the Commission,     |
| 14 | the Commission shall initiate a process to solicit and |
| 15 | collect written recommendations from the general       |
| 16 | public, interested parties, Federal agencies, and      |
| 17 | other relevant entities regarding which covered regu-  |
| 18 | lations should be examined.                            |
| 19 | (2) Submission of public comments.—The                 |
| 20 | Commission shall ensure that the process initiated     |
| 21 | under paragraph (1) allows for recommendations to      |
| 22 | be submitted to the Commission through the website     |
| 23 | of the Commission or by mail.                          |
| 24 | (3) LENGTH OF PUBLIC COMMENT PERIOD.—                  |
| 25 | The period for the submission of recommendations       |

| 1  | under this subsection shall end 120 days after the    |
|----|---|
| 2  | date on which the process is initiated under para-    |
| 3  | graph (1).  |
| 4  | (4) Publication.—At the end of the period for         |
| 5  | the submission of recommendations under this sub-     |
| 6  | section, all submitted recommendations shall be pub-  |
| 7  | lished in the Federal Register and on the website of  |
| 8  | the Commission.                                       |
| 9  | (d) COMMISSION OUTREACH.—                             |
| 10 | (1) IN GENERAL.—During the public comment             |
| 11 | period described in subsection (c), the Commission    |
| 12 | shall conduct public outreach and convene focus       |
| 13 | groups to better inform the Commissioners of the      |
| 14 | public's interest and possible contributions to the   |
| 15 | work of the Commission.                               |
| 16 | (2) Focus groups.—The focus groups re-                |
| 17 | quired under paragraph (1) shall include individuals  |
| 18 | affiliated with the Office of Information and Regu-   |
| 19 | latory Affairs, the Administrative Conference of the  |
| 20 | United States, the offices within Federal agencies    |
| 21 | responsible for small business affairs and regulatory |
| 22 | compliance, and, at the discretion of the Commis-     |
| 23 | sion, other relevant stakeholders from within or out- |
| 24 | side the regulatory entities.                         |

| 1  | (e) Commission Review of Public Comments.—                |
|----|---|
| 2  | Not later than 45 days after the date on which the period |
| 3  | for the submission of recommendations ends under sub-     |
| 4  | section (c), the Commission shall convene to review sub-  |
| 5  | mitted recommendations and to identify covered regula-    |
| 6  | tions to modify, consolidate, or eliminate.               |
| 7  | (f) Examination of Regulations.—                          |
| 8  | (1) PROCESS FOR EXAMINATION.—In exam-                     |
| 9  | ining covered regulations under this section, the         |
| 10 | Commission shall determine the effectiveness of indi-     |
| 11 | vidual covered regulations, by using multiple re-         |
| 12 | sources, including quantitative metrics, testimony        |
| 13 | from industry and agency experts, and research            |
| 14 | from the staff of the Commission.                         |
| 15 | (2) DEADLINE.—Not later than 1 year after                 |
| 16 | the date on which the Commission convenes under           |
| 17 | subsection (e), the Commission shall complete a sub-      |
| 18 | stantial examination of covered regulations.              |
| 19 | (g) Initial Report.—                                      |
| 20 | (1) IN GENERAL.—Not later than 1 year after               |
| 21 | the date on which the Commission convenes under           |
| 22 | subsection (e), the Commission shall publish, and         |
| 23 | make available to the public for comment, a report,       |
| 24 | which shall include—                                      |

| 1  | (A) the findings and conclusions of the             |
|----|---|
| 2  | Commission for the improvement of covered           |
| 3  | regulations examined by the Commission; and         |
| 4  | (B) a list of recommendations for changes           |
| 5  | to the covered regulations examined by the          |
| 6  | Commission, which may include recommenda-           |
| 7  | tions for modification, consolidation, or repeal    |
| 8  | of such covered regulations.                        |
| 9  | (2) REQUIREMENT.—The report required under          |
| 10 | paragraph (1) shall be approved by not fewer than   |
| 11 | 5 members of the Commission.                        |
| 12 | (3) AVAILABILITY OF REPORT.—The Commis-             |
| 13 | sion shall make the report required under paragraph |
| 14 | (1) available through the website of the Commission |
| 15 | and in printed form.                                |
| 16 | (4) Public comment period.—During the               |
| 17 | 90-day period beginning on the date on which the    |
| 18 | report required under paragraph (1) is published,   |
| 19 | the Commission shall—                               |
| 20 | (A) solicit comments from the public on             |
| 21 | such report, using the same process established     |
| 22 | under subsection (c); and                           |
| 23 | (B) publish any comments received under             |
| 24 | subparagraph (A) in the Federal Register and        |
| 25 | the website of the Commission.                      |

| 1  | (5) Consultation.—                               |
|----|--|
| 2  | (A) IN GENERAL.—Not later than 90 days           |
| 3  | after the date on which the report required      |
| 4  | under paragraph (1) is published, the Commis-    |
| 5  | sion shall complete a consultation with the      |
| 6  | chairman and ranking member of the commit-       |
| 7  | tees of jurisdiction in the House of Representa- |
| 8  | tives and Senate regarding the contents of the   |
| 9  | report.  |
| 10 | (B) REQUIREMENTS.—The consultation re-           |
| 11 | quired under subparagraph (A) shall provide—     |
| 12 | (i) the opportunity for the chair and            |
| 13 | ranking member of the committees of ju-          |
| 14 | risdiction to provide substantive feedback       |
| 15 | or recommendations related to the regu-          |
| 16 | latory changes contained in the report re-       |
| 17 | quired under paragraph (1); and                  |
| 18 | (ii) the opportunity for the chair and           |
| 19 | ranking member of the committees of ju-          |
| 20 | risdiction to provide recommendations for        |
| 21 | alternative means of achieving a reduction       |
| 22 | in regulatory costs while maintaining the        |
| 23 | same level of benefits to society.               |
| 24 | (b) REPORT TO CONGRESS —                         |

| 1  | (1) IN GENERAL.—Not later than 90 days after       |
|----|--|
| 2  | the date on which the 90-day period described in   |
| 3  | subsection (g)(4) ends, the Commission shall—      |
| 4  | (A) review any comments received under             |
| 5  | subsection (g)(4);                                 |
| 6  | (B) incorporate any relevant comments re-          |
| 7  | ceived under subsection (g)(4) into the report     |
| 8  | required under subsection $(g)(1)$ ; and           |
| 9  | (C) submit the revised report to Congress.         |
| 10 | (2) CONTENTS.—The revised report required to       |
| 11 | be submitted to Congress under paragraph (1) shall |
| 12 | include—   |
| 13 | (A) the findings and conclusions of the            |
| 14 | Commission for the improvement of covered          |
| 15 | regulations examined by the Commission;            |
| 16 | (B) a list of recommendations for changes          |
| 17 | to the covered regulations examined by the         |
| 18 | Commission, which may include recommenda-          |
| 19 | tions for modification, consolidation, or repeal   |
| 20 | of such covered regulations; and                   |
| 21 | (C) recommended legislative language to            |
| 22 | implement the recommendations in subpara-          |
| 23 | graph (B).   |
| 24 | (i) Notice to Regulatory Agencies.—                |

| 1  | (1) ENACTMENT OF COMMISSION BILL.—If the                  |
|----|---|
| 2  | commission bill is enacted into law before the first      |
| 3  | date on which Congress adjourns sine die after such       |
| 4  | bill is introduced, the President shall—                  |
| 5  | (A) not later than 7 days after the date on               |
| 6  | which the commission bill is enacted into law-            |
| 7  | (i) provide notice to the affected regu-                  |
| 8  | latory agencies; and                                      |
| 9  | (ii) publish notice of enactment in the                   |
| 10 | Federal Register and online;                              |
| 11 | (B) require affected regulatory agencies to               |
| 12 | implement the commission bill not later than              |
| 13 | 180 days after the date on which the commis-              |
| 14 | sion bill is enacted into law.                            |
| 15 | (2) FAILURE TO ENACT COMMISSION BILL.—If                  |
| 16 | the commission bill is not enacted into law before        |
| 17 | the first date on which Congress adjourns sine die        |
| 18 | after such bill is introduced, the President shall pro-   |
| 19 | vide notice of such failure to enact the commission       |
| 20 | bill in the Federal Register.                             |
| 21 | SEC. 5. POWERS OF THE COMMISSION.                         |
| 22 | (a) Hearings.—The Commission may hold such                |
| 23 | hearings, sit and act at such times and places, take such |
| 24 | testimony, and receive such evidence as the Commission    |
| 25 | considers advisable to carry out this Act.                |

|    | 12   |
|----|--|
| 1  | (b) Information From Federal Agencies.—                  |
| 2  | (1) In general,—The Commission is author-                |
| 3  | ized to secure directly from any executive depart-       |
| 4  | ment, bureau, agency, board, commission, office,         |
| 5  | independent establishment, or instrumentality of the     |
| 6  | Government, information, suggestions, estimates,         |
| 7  | and statistics for the purpose of this Act. Each de-     |
| 8  | partment, bureau, agency, board, commission, office,     |
| 9  | independent establishment, or instrumentality shall,     |
| 10 | to the extent authorized by law, furnish such infor-     |
| 11 | mation, suggestions, estimates, and statistics di-       |
| 12 | rectly to the Commission, upon request made by the       |
| 13 | chairman, the chairman of any subcommittee cre-          |
| 14 | ated by the Commission, or any member designated         |
| 15 | by a majority of the Commission.                         |
| 16 | (2) RECEIPT, HANDLING, STORAGE, AND DIS-                 |
| 17 | SEMINATION.—Information shall only be received,          |
| 18 | handled, stored, and disseminated by members of          |
| 19 | the Commission and its staff consistent with all ap-     |
| 20 | plicable statutes, regulations, and Executive orders.    |
| 21 | (e) Postal Services.—The Commission may use              |
| 22 | the United States mails in the same manner and under     |
| 23 | the same conditions as other departments and agencies of |
| 24 | the Federal Government.                                  |

- 1 (d) GIFTS.—The Commission may accept, use, and
- 2 dispose of gifts or donations of services or property.
- 3 (e) Space for Use of Commission.—Not later
- 4 than 60 days after the date of enactment of this Act, the
- 5 Administrator of General Services shall support on a reim-
- 6 bursable basis the operations of the Commission, including
- 7 the identification of suitable space to house the Commis-
- 8 sion. If the Administrator is not able to make such suit-
- 9 able space available within the 60-day period, the Commis-
- 10 sion shall lease space to the extent that funds are avail-
- 11 able.
- 12 SEC. 6. COMMISSION PERSONNEL MATTERS.
- 13 (a) Compensation of Members.—Each member of
- 14 the Commission shall be compensated at a rate equal to
- 15 the daily equivalent of the annual rate of basic pay pre-
- 16 scribed for level IV of the Executive Schedule under sec-
- 17 tion 5315 of title 5, United States Code, for each day (in-
- 18 cluding travel time) during which such member is engaged
- 19 in the performance of the duties of the Commission.
- 20 (b) Travel Expenses.—The members of the Com-
- 21 mission shall be allowed travel expenses, including per
- 22 diem in lieu of subsistence, at rates authorized for employ-
- 23 ees of agencies under subchapter I of chapter 57 of title
- 24 5, United States Code, while away from their homes or

| 1  | regular places of business in the performance of services |
|----|---|
| 2  | for the Commission.                                       |
| 3  | (c) STAFF.—   |
| 4  | (1) IN GENERAL.—The Chairman of the Com-                  |
| 5  | mission may, without regard to the civil service laws     |
| 6  | and regulations, appoint and terminate an executive       |
| 7  | director and such other additional personnel as may       |
| 8  | be necessary to enable the Commission to perform          |
| 9  | its duties. The employment of an executive director       |
| 10 | shall be subject to confirmation by the Commission.       |
| 11 | (2) COMPENSATION.—The Chairman of the                     |
| 12 | Commission may fix the compensation of the execu-         |
| 13 | tive director and other personnel without regard to       |
| 14 | chapter 51 and subchapter III of chapter 53 of title      |
| 15 | 5, United States Code, relating to classification of      |
| 16 | positions and General Schedule pay rates, except          |
| 17 | that the rate of pay for the executive director and       |
| 18 | other personnel may not exceed the rate payable for       |
| 19 | level V of the Executive Schedule under section 5316      |
| 20 | of such title.  |
| 21 | (3) AGENCY ASSISTANCE.—Following consulta-                |
| 22 | tion with and upon the request of the Chairman of         |
| 23 | the Commission, the head of any agency may detail         |
| 24 | an employee of the agency to the Commission with-         |
| 25 | out reimbursement, and such detail shall be without       |

| 1  | interruption or loss of civil service status or privi-        |
|----|---|
| 2  | lege.   |
| 3  | (4) GAO AND OIRA ASSISTANCE.—The Comp-                        |
| 4  | troller General of the United States and the Admin-           |
| 5  | istrator of the Office of Information and Regulatory          |
| 6  | Affairs shall provide assistance, including the detail-       |
| 7  | ing of employees, to the Commission in accordance             |
| 8  | with an agreement entered into with the Commis-               |
| 9  | sion.   |
| 10 | (d) PROCUREMENT OF TEMPORARY AND INTERMIT-                    |
| 11 | TENT SERVICES.—The Chairman of the Commission may             |
| 12 | procure temporary and intermittent services under section     |
| 13 | 3109(b) of title 5, United States Code, at rates for individ- |
| 14 | uals which do not exceed the daily equivalent of the annual   |
| 15 | rate of basic pay prescribed for level V of the Executive     |
| 16 | Schedule under section 5316 of such title.                    |
| 17 | (e) Contracting Authority.—The Commission                     |
| 18 | may acquire administrative supplies and equipment for         |
| 19 | Commission use to the extent funds are available.             |
| 20 | (f) Administrative Support.—Upon the request of               |
| 21 | the Commission, the Administrator of General Services         |
| 22 | shall provide to the Commission, on a reimbursable basis,     |
| 23 | the administrative support services necessary for the Com-    |
| 24 | mission to carry out its responsibilities under this Act.     |

## 1 SEC. 7. TERMINATION OF THE COMMISSION.

- 2 The Commission shall terminate 90 days after the
- 3 date on which the Commission submits its report under
- 4 section 4.

## 5 SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

- 6 (a) IN GENERAL.—There are authorized to be appro-
- 7 priated such sums as may be necessary to the Commission
- 8 to carry out this Act.
- 9 (b) AVAILABILITY.—Any sums appropriated under
- 10 the authorization contained in this section shall remain
- 11 available, without fiscal year limitation, until expended.

